

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ABRAHAM CRUZ,

Plaintiff,

v.

I.C. METRO, MANHATTAN, NEW  
YORK, *et al.*,

Defendants.

No. 4:20-CV-00572

(Judge Brann)

(Chief Magistrate Judge Schwab)

**ORDER**

**JUNE 8, 2020**

Abraham Cruz filed this civil rights complaint alleging that his constitutional rights were violated during his incarceration at a federal prison in New York City, New York.<sup>1</sup> Chief Magistrate Judge Susan E. Schwab has issued a Report and Recommendation recommending that this Court transfer Cruz's complaint to the United States District Court for the Southern District of New York, as venue properly lies within that District.<sup>2</sup> Cruz filed timely objections to the Report and Recommendation, asserting that venue is proper in this District.<sup>3</sup>

"If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'"<sup>4</sup>

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 8.

<sup>3</sup> Doc. 10.

<sup>4</sup> *Equal Emp't Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.<sup>5</sup>

After reviewing the record, the Court finds no error in Chief Magistrate Judge Schwab’s conclusion that venue is improper in this District and that this action should be transferred to the United States District Court for the Southern District of New York, where “a substantial part of the events or omissions giving rise to the claim occurred.”<sup>6</sup>

Accordingly, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Susan E. Schwab’s Report and Recommendation (Doc. 8) is **ADOPTED**;
2. The Clerk of Court is directed to **TRANSFER** this complaint to the United States District Court for the Southern District of New York;
3. Rulings on Cruz’s pending motions to proceed *in forma pauperis* (Doc. 2) and for appointment of counsel (Docs. 4, 9) are **DEFERRED** to the transferee court; and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge

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<sup>5</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

<sup>6</sup> 28 U.S.C. § 1391(b)(2).